

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FT. WAYNE DIVISION

JENNIFER COWAN,)	
)	
Plaintiff,)	
)	
v.)	Cause No.:
)	
EAGLECARE, LLC/AMERICAN)	
SENIOR COMMUNITIES)	
d/b/a SUMMIT CITY NURSING)	
AND REHABILITATION,)	
)	
Defendants.)	

DEFENDANTS' NOTICE OF REMOVAL

All of the Defendants, who have been incorrectly sued as EagleCare, LLC/American Senior Communities d/b/a Summit City Nursing and Rehabilitation, by counsel, file notice to remove an action pending against them in State court to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. The removal is based on the following grounds:

1. On April 30, 2014, Plaintiff commenced a lawsuit against Defendants in the Allen County, Indiana Superior Court. That action bears the same title as above and is docketed as Cause No. 02D02-1404-CT-000225 in the State court.
2. Defendants have not yet been served with the Summons or Complaint, and as of the filing of this Notice of Removal they have not been served with any pleadings in the State court action. However, they have learned of the filing of the Complaint through other means and have obtained a copy of the Complaint. A copy of the Complaint is attached hereto as Exhibit A.

3. This case is being removed within 30 days of the filing of the Complaint. Therefore, removal is timely under 28 U.S.C. §§ 1446(b).

4. The action in State court is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 because it asserts claims under federal law, including the Americans with Disabilities Act (“ADA”) and the Employee Retirement Income Security Act (“ERISA”). This action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

5. The United States District Court for the Northern District of Indiana, Ft. Wayne Division, is the District Court for the United States for the district and division embracing Allen County, Indiana. 28 U.S.C. § 94(a)(1).

6. The filing fee has been paid contemporaneously herewith.

WHEREFORE, Defendants hereby remove this action from the Allen County, Indiana Superior Court to the United States District Court for the Northern District of Indiana, Ft. Wayne Division.

Dated: May 30, 2014

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Craig M. Borowski

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Attorneys for the Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 30, 2014, the foregoing was filed using the Court's CM/ECF system. Parties can access this filing through that system, which will send notice to counsel of record. The undersigned further certifies that he or she caused a copy of the foregoing to be served by First Class United States Mail, postage prepaid, upon:

Christopher C. Myers
Ilene M. Smith
CHRISTOPHER C. MYERS & ASSOCIATES
809 South Calhoun Street, Suite 400
Ft. Wayne, IN 46802

/s/ Craig M. Borowski